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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**[PROPOSED] ORDER GRANTING
DEFENDANT GOOGLE INC.'S MOTION
TO STRIKE PORTIONS OF THE
MITCHELL PATENT REPORT**

Date: September 29, 2011
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 31, 2011

1 On September 29, 2011 the above-captioned action came on for hearing before this Court
2 on Defendant Google Inc.'s ("Google") Motion to Strike Portions of the Mitchell Patent Report.
3 After consideration of the parties' respective submissions, the arguments of counsel, and the
4 entire record in this matter, the Court hereby GRANTS Google's motion and orders as follows:

5 (a) Paragraphs 255, 270, 271, 273, 277, 279, 282, 287, 289, 292 and 296 (relating to the
6 '104 patent) are stricken from the Mitchell Patent Report. Dr. Mitchell cannot testify
7 regarding the subject matter of these paragraphs at trial;

8 (b) Paragraphs 459, 460, 461, 468, 476 and 478 (relating to the '702 patent) are stricken
9 from the Mitchell Patent Report. Dr. Mitchell cannot testify regarding the subject matter
10 of these paragraphs at trial; and

11 (c) All references to LG Optimus, HTC Droid Incredible 2 and Motorola Atrix are
12 stricken from the Mitchell Patent Report. Any assertions of patent infringement in the
13 Mitchell Patent Report are limited to the products explicitly identified in Oracle's
14 infringement contentions (*i.e.*, Google Dev Phones, Nexus One, Nexus S, HTC's EVO
15 4G, HTC's Droid Incredible, HTC's G2, Motorola's Droid, and Samsung's Captivate).
16 Dr. Mitchell cannot testify at trial regarding alleged patent infringement by any other
17 products.

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20 IT IS SO ORDERED:

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22 Dated: _____

23 _____
24 Honorable Judge William Alsup
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